

**SECRET**

**COPY N. 9**

**REPORT  
of the  
COURT OF INQUIRY**

**re**

**SHOOTING OF ALLIED PRISONERS  
OF WAR**

**BY THE GERMAN ARMED FORCES**

**at**

**HEROUVILETTE  
NORMANDY**

**6 June, 1944**

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CALVADOS, NORMANDY

6 JUNE, 1944.

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**PART ONE**

PROCEEDINGS OF A COURT OF INQUIRY

assembled in the Field  
pursuant to an order of the  
Supreme Commander,  
Allied Expeditionary Force,

dated 20th August, 1944,

and pursuant to

a letter of Supreme Headquarters Allied Expeditionary Force G-1 Division  
GAP 900/11 dated 31st August, 1944.

referring

THE HEROUVILLETTE CASE

to the consideration of the Court.

P A R T I.

1. The British and Canadian Members of the Court, namely Lt.Col. J.H.Boraston and Lt.Col. B.J.S. Macdonald, visited Herouvillette on 3rd September, 1944, taking with them 202440 Sjt. Chown, T., No. 5 Section, Army Film Unit, to act as photographer, and had photographs taken by Sjt. Chown, under their direction, of the locality.

7th September, 1944

2. The Court assembled at Headquarters, 12 L of C Arca, L'Ecole Normale d'Instituteures, Caen, Calvados, Normandy, at 1035 hours on Thursday, 7th September, 1944.

PRESENT were:-

PRESIDENT.

Colonel PAUL E. TOMBAUGH, U.S. Army,  
Supreme Headquarters, A.E.F.

MEMBERS.

Lt.Col. J.H. BORASTON, CB, OBE,  
(T.A.R.O., Spec.List) (British)  
Supreme Headquarters, A.E.F.

Lt.Col. B.J.S. MACDONALD, ED,  
Essex Scottish, (Canadian),  
Supreme Headquarters, A.E.F.

IN ATTENDANCE

Captain J.R. GAUTHIER, RCMP (Canadian).

S/981767 Staff-sargeant WILLIAMSON, J.  
RASC (Court Reporter)

3. The Members of the Court were sworn by the President. The President was sworn by Lt.Col. J.H. Boraston. Capt. J.R.Gauthier was sworn as Interpreter by the President. S/Sjt. J. Williamson was sworn by the President as Court Reporter.

1.

PART TWO

P A R T II.

SEC. I. FINDINGS OF THE COURT

1. (a) That two British soldiers met their deaths at or near the Chateau at Horouvillette, Calvados, Normandy, described in Exhibit "C" as "De Liou Harras Farm", on 6th June, 1944.

(b) That possibly a third British soldier met his death in similar circumstances in the same locality on the same date.

(c) That five other British soldiers met their deaths in the St. Honorine-Le Moinil road at or near the entrance to the said Chateau from the said road on the same date.

2. That the British soldiers referred to in paragraph 1 (a) and (b) above were British paratroops, and that the British soldiers referred to in paragraph 1 (c) above were British paratroops or serving with paratroops at the time.

3. That the numbers, ranks, names and units of the said seven or eight British soldiers are not disclosed by the evidence and are unlikely to prove discoverable with any certainty; but that the possibility exists that the seven are as follows:-

No.	Rank.	Name.	Unit.
14654924	Pte.	RUSSON, D.	8 Bn Parachute Regt.
14367919	Dvr.	COATES,	RASC
3321839	Cpl.	BURGESS, E.	
5097971	CQMS	ISLACS, J.	8 Bn (M.C.) Parachute Regt.
3656971	Pte.	WALTON, S.	8 Bn. Parachute Regt.
274820	Cpl.	LANGDON, R.	8 Bn. Parachute Regt.
14384224	Pte.	MEIKLEJOHN, M.	8 Bn. Parachute Regt.

4. (a) That the British soldiers referred to in paragraph 1 (a) above were murdered by the German armed forces, in violation of the well-recognized laws and usages of war and the terms of the Geneva Conventions of 1929.

(b) That there is a possibility that a third British soldier, referred to in paragraph 1 (b) above, was similarly murdered.

(c) That of the five British soldiers referred to in paragraph 1 (c) above, two and possibly more were brutally done to death when already wounded and helpless, whereby a technical breach of the said laws and usages and of the terms of the said Conventions was committed.

5. (a) That the British soldiers referred to in paragraph 1 (a) and (b) above were prisoners of war at the time of their deaths, having been taken into German custody and interrogated, and were entitled to treatment as such.

(b) That in so far as the two, or possibly more, British soldiers referred to in paragraph 4 (a) above were wounded and helpless when so done to death, they were entitled within the terms of the said Conventions, laws and usages to treatment as prisoners of war; but, in view of the fact that the wounding and the subsequent killing of these two or more British soldiers were both part of a single brief action, with no interval of time between the

(e) The paratrooper described by the witness DESRUES (page 2 of Exhibit "6") as having been killed beyond the main entrance to the stables (Exhibit "B4", Point "A"). The time of this incident was at or shortly after 0530 hours on 6th June, 1944. Subsequently in his evidence (page 2 of Exhibit "6"), the witness describes this incident as having been the first that he saw.

From the evidence given by this witness and the witness LEVEPRIER on the spot on 8th September, 1944 (pages 1 and 2 of Exhibit "15") it becomes clear that the witness DESRUES in fact saw only one paratrooper shot (if his evidence on this point be reliable) namely the one shot behind the Chateau, and that the time of this shooting was approximately 0730 hours on 6th June, 1944.

18. In the case of the British soldiers killed between 0500 hours and 0530 hours on 6th June, 1944, and between 0600 hours and 0630 hours on 6th June, 1944, the British soldier in each case was brought from the main road to the Chateau under the escort of two German soldiers. While standing outside the main entrance to the Chateau he was searched, was interrogated by a German NCO padre, and was then taken away a short distance by Sgt. KARL FINGERATH and shot by him at close range.

19. Neither British soldier did anything to justify the shooting.

20. There is a possibility that a third British soldier was shot by Sgt. KARL FINGERATH in similar circumstances behind the Chateau at about 0730 hours.

#### B. REASONS FOR FINDINGS

21. Each of these incidents is testified to by an eye-witness or by one who claims to have been an eye-witness, of the killing, and in the case of incidents (b), (c), (d) and (e), the witness not only testifies to the killing, but gives evidence which, if accepted establishes as a fact that the British soldier concerned was a prisoner of war, entitled to be treated as such, at the time he was killed.

22. (a) The Court does not accept the evidence of the witness LEVEPRIER as sufficient to establish as a fact the killing of a paratrooper at approximately 0230 hours on 6th June, 1944, though the Court considers that this evidence was given by the witness honestly and recorded what he thought he had seen.

(b) In his first evidence (page 1 of Exhibit "8") the witness states that he was 150 metres from the English soldier who was 150 metres from the German. The incident was seen by moonlight and the witness did not see any dead body, at close quarters, till he took the witness DESRUES to Point "B" on Exhibit "B4" several hours later. The Court accepts his first evidence as recording the witness's original recollection of what he had seen and, notwithstanding that he varied his account when re-examined on the spot, concludes that no paratrooper was killed on this occasion and that the body seen later was that of the paratrooper killed between 0500 hours and 0530 hours.

(c) Regarding the statement by this witness (page 1 of Exhibit "8") that he saw one English soldier killed behind the Chateau, in view of the subsequent evidence given by this witness on the spot, the Court is satisfied that the word "Chateau" is a mistake for the word "stables".

23. The evidence by the witness VOLOSZIN, both on 7th September, 1944, and 8th September, 1944, is consistent and clear, and the witness was a good witness. The Court accepts this evidence and concludes that two British paratroopers who were prisoners of war were shot after interrogation, the one at some time between 0500 hours and 0530 hours, and the other at some time between 0600 hours and 0630 hours, on 6th June, 1944.

24. (a) The evidence given by the witness DESRUES on 7th September, 1944, is confused and is in part contradicted by the evidence which he gave on 8th September, 1944. The Court is satisfied that he did not see any paratrooper shot at the spot beyond the main entrance to the stables and that the body which the witness Leverrier took him to see there was the body of the first paratrooper whom the witness Voloszin saw shot between 0500 hours and 0530 hours on 6th June, 1944.

(b) Regarding the paratrooper which this witness claims to have seen shot behind the Chateau soon after 0730 hours on 6th June, 1944, in his evidence given on the spot on 8th September, 1944, the witness was very clear and definite regarding what he claimed to have seen there. At the hour given, the witness Voloszin had gone under cover (see page 3 of Exhibit "7" and page 2 of Exhibit "15"). The fact that no body was subsequently found on this spot is balanced by the fact that no body was found at point "E" shown on Exhibit "B1" and the early removal of both these bodies can be accounted for by their proximity to the Chateau. But for the doubts concerning this witness's reliability raised by the other evidence given by him, the conclusion of the Court would be that three paratroopers, prisoners of war, were killed at Herouville on the morning of 6th June. In view, however, of the unreliability of this witness's evidence in connection with the paratrooper killed at the point beyond the main entrance to the stables, the Court is not fully satisfied that more than two British soldiers, prisoners of war, were killed after interrogation on this date.

25. (a) The Court is satisfied on the evidence that the German soldier who carried out the actual shootings is Sgt. KARL FINGERATH, belonging to the German Company of Engineers stationed at Herouville at the time, and that the Company was commanded by Captain LEO MOLTER. (See the evidence of the following witnesses: Desrues, at pages 1 and 4; Voloszin, at pages 1 and 2; Le Houllier, at pages 1 and 2; Baucr, at pages 1 and 2; Mme Chiltz, at page 2 and M. Chiltz, at page 1).

(b) The Court has not been able to identify by the evidence of the witnesses the number of the Company of Engineers referred to, but the evidence of the witness Le Houllier (page 2, Exhibit "9") gives the Field Post number of the unit as 43893-B.

#### INCIDENT FALLING INTO CATEGORY 2

##### A. FACTS.

26. (a) In the early morning of 6th June, 1944, a car containing five British soldiers, described as paratroopers, was driving along the road leading through the village of Herouville, Calvados, Normandy, from Le Mesnil in the direction of St. Honorine.

(b) At approximately 0530 hours, when approaching the entrance to the Chateau at Herouville, the party were ambushed by German soldiers concealed in the drive entrance.

(c) All five British soldiers were hit when the Germans opened fire, but all were not killed outright. The car was stopped in the main road, just short of the entrance to the drive.

(d) Two, or possibly more, of the British soldiers, who were wounded and helpless, were thereupon finished off by the Germans, either by shooting, bayonetting or clubbing with rifle butts.

(e) The German soldiers engaged formed part of the German Engineer Company under the command of Captain LEO MOLTER.

(f) One of the German soldiers who finished off the wounded British soldiers was Captain LEO MOLTER's batman, by name WILLY MAUSTRIU.

PART THREE

~~SECRET~~

SUPREME HEADQUARTERS  
ALLIED EXPEDITIONARY FORCE  
FWD, APO 757

EXHIBIT No.1.

• S E C R E T •  
• Auth: SC, AEF •  
• Initials: MIA •  
• Date: 20 Aug 1944:

20 August, 1944.

AG 000-5-2-AGP

SUBJECT: Appointment of Court of Inquiry.

TO : All Concerned.

1. A Court of Inquiry, consisting of the following named officers is appointed, to meet at the call of the President, for the purpose of investigating and reporting on such matters as shall be referred to it:

Colonel Paul E. Tombaugh, U.S.Army, Supreme Hq, A.E.F.	President
Lt.Col. J.H. Boraston, C.B., O.B.E. (T.A.R.O. Spec. List) (British), Supreme Hq, A.E.F.	Member
Lt.Col. B.J.S. Macdonald, Essex Scottish (Canadian), Supreme Hq, A.E.F.	Member
Lt.Col. John P. Page, E.D., Tor Scot R. (MG) (Canadian), Supreme Hq, A.E.F.	Waiting Member

with, in attendance,

Capt. J.R. Gauthier, R.C.M.P. (Canadian)
Sjt. J. Faucher, K53452, C.Pro.C. (Canadian)
Sjt. Clayton J. Lein, Jr., 36502949, Supreme Hq, A.E.F.
One court reporter (enlisted man), to be designated.

2. In its report, the Court will state (inter alia):

a. The numbers, ranks, names and units of all soldiers concerned, and the names of all enemy units and/or formations in the neighbourhood of the alleged incidents at the time.

b. Whether the matter involves Allied soldiers who were entitled to be treated as prisoners of war.

c. Whether injuries or deaths involving Allied soldiers were caused by acts in violation of the laws and usages of war, and, if so, the names of the persons directly or indirectly responsible and their units and/or formations.

3. The Court is authorized to travel to such places in the combat zone in Northwestern Europe as may be necessary to carry out the assigned mission.

By Command of General EISENHOWER:

(Sgd) E. C. Boehnke

E.C. BOEHNKE,  
Colonel, AGD,  
Adjutant General.

EXHIBIT No.4.

RECORD OF THE EVIDENCE

of

M. ALFRED POTIER

M. Alfred POTIER is called and,  
having been duly sworn, is examined as follows:-

Lt. COL. DORASTON: What is your full name?  
A M. Alfred Potier.

Q Are you the Mayor of Herouville?  
A I am the Acting Mayor.

Q Do you live at Herouville?  
A Yes, always.

Q How old are you?  
A Fifty-five.

Q Were you at Herouville on 6th June, 1944?  
A Yes, I always live there.

Q Did you see anything of the English paratroops in that  
neighbourhood on that day?  
A On the night of 5th-6th June at about five o'clock in the morning,  
one English paratroop came into my house to ask me where the  
Germans were. I stayed in bed all day on the 6th June, 1944.  
The same day, 6th June, a fight was going on in the village  
between the English paratroops and the Germans.

Q Did you see anything of the fight yourself?  
A No, I could not see because I was in bed sick.

Q Is it right that you saw nothing of any British troops passing  
through Herouville on that day?  
A On the same day I could hear somebody walking in the back garden  
and I was told that he was an English paratroop, but I did not  
see him.

Q Was your wife with you in the house that day?  
A Yes, my wife was with me in the house.

COL. TOWBAUGH: Did you see any Allied soldier killed on that day?  
A No, I could not get up.

Q Do you know what German units were occupying the village of  
Herouville on 6th June?  
A The Pioneer Corps was occupying the village of Herouville for  
the last two years.

Q Do you know the number of the unit?  
A No, I could not say which number but there is a woman present  
in the building now who will be able to state the number of the  
Pioneer Corps.

Q Do you know the name of any of the German personnel in this  
Pioneer unit?  
A No, I could not say any name of the officers or soldiers of the  
German Pioneer Corps.

Lt. COL. MACDONALD: Do you, as Acting Mayor, not know the name of the  
Officer Commanding the German troops in your village?

EXHIBIT No. 4.

A No. The woman here today knows the name of one officer who was billeted in her house.

COL. TOMBAUGH: How long have you been the Acting Mayor?

A Since 6th June, 1944.

Q Where is the Mayor now?

A The Mayor Balliere came back to Herouvillette eight days ago, but previously was evacuated in the region of Paris. His house was burned down.

Lt. COL. MACDONALD: Was he taken away by the Germans?

A Yes.

Q Is it correct that you only acted as Mayor since 6th June?

A Yes.

Q Do I understand you to say that the man who was acting as Mayor prior to that time was evacuated by the Germans on 6th June?

A Yes.

Q How long were you ill in bed?

A Two or three days in bed.

Q Who buried the various paratroops who were killed in the village on 6th June?

A Three or four days later I saw an English paratroop lying on the road. He was buried by his English comrades.

Q When was the village captured by the English?

A On the night of 5th-6th June.

Q When did the Germans leave the village?

A The evening of 6th June.

COL. TOMBAUGH: Did you know a Capt. Molter of the Pioneer unit occupying Herouvillette?

A I know a German captain who was commanding the Pioneer Corps occupying Herouvillette village, but I do not know his name.

(The witness withdraws.)

EXHIBIT No. 6.

RECORD OF THE EVIDENCE

of

M. ALBERT DESRUES

M. A. DESRUES is called and,  
having been duly sworn, is examined as follows:-

LT. COL. BORASTON: What is your name?  
A Albert Desrues.

Q What is your profession?  
A Retired railway employee.

Q How old are you?  
A Seventy.

Q Where do you live?  
A Salinelles.

Q Were you at Herouville on 6th June?  
A Yes.

Q Do you know Chateau le Lieu Harras?  
A I know the Chateau at Herouville, but I do not know it by any particular name.

Q Did you see any English soldiers killed near the Chateau on that day?  
A Yes, I saw them murdered on 6th June.

Q What did you see?  
A I saw one paratroop coming down in the front garden of the Chateau. As he landed he said, "Good morning. How is everything going?" and I answered him, "Everything is fine". It was about 7.30 in the morning. A German sergeant took the weapons from the paratroop.

Q Show the Court on this photograph where you were and where the paratroop was. (Handed)  
A I was standing there (indicating point "A" on Exhibit "B1") and the British paratroop was standing there (indicating point "B" on Exhibit "B1") with two Germans between him and the entrance door to the Chateau.

Q Where was the paratroop when he was disarmed?  
A He was there (indicating point "B" on Exhibit "B1") in front of the Chateau.

COL. TOMBAUGH: What did they do with the paratroop after he was disarmed?  
A Took him through the front door of the Chateau to the back yard.

Q What happened there?  
A They shot him.

Q Did you see this paratroop shot?  
A Yes.

Q Did the paratroop offer resistance or try to get away?  
A No.

Q Who killed him?  
A A sergeant. They called him Karl.

EXHIBIT No. 6.

Q Do you know his surname?  
A No.

Q Did you see any other paratroops killed?  
A One other.

Q Where was he killed?  
A This second paratroop was killed there (indicating point "A" on Exhibit "B4")

Q Was that paratroop armed?  
A No.

Q Did he have his hands up?  
A Yes, they both had their hands up. The first paratroop had his hands up when he was taken into the Chateau.

Q Where were you when you saw the second paratroop shot?  
A I was still standing there (indicating point "A" on Exhibit "B1").

Q Who killed the second paratroop?  
A The same man, Karl.

Q What organization did the paratroops belong to?  
A I believe the first one was an English paratroop and the second one a Canadian.

Q What German unit occupied the village of Herouville on 6th June?  
A I do not know.

Q What time of the day were these paratroops killed?  
A Between 7.30 and 9.30 in the morning.

Q Did you see any other Allied soldiers killed?  
A I saw some, but they were fighting.

LT. COL. MACDONALD: What time did you see the first paratroop shot?  
A About 7.30.

Q What time was the second one shot?  
A About 8.30.

Q Show us on the pictures where the first man was shot at 7.30.  
A There (indicating point "A" on Exhibit "B4").

Q Where were you standing when this man was shot?  
A There (indicating point "A" on Exhibit "B1")

Q Where was the second paratroop shot at 8.30?  
A Behind the Chateau (indicating point behind Chateau shown in centre of Exhibit "B1")

Q Where were you standing when you saw the second paratroop shot?  
A I went round the Chateau into the back and saw him shot there.

Q Where did the Germans interrogate the first paratroop?  
A I did not see him interrogated. I only saw the second.

Q Where did you first see the first paratroop?  
A When I arrived in the court in front of the Chateau.

Q Where was the paratroop then?  
A He was in front of the Chateau.

Q Who was with him?

EXHIBIT No. 6.

Q Do you know whether more than two paratroops were shot this way?  
A I do not know. I only saw two.

Q Are you sure other civilians saw the second paratroop being shot?  
A Yes, two.

Q Were they near you?  
A M. Leverrier was close by, but the woman was not.

Q What did they do with the second paratroop's body?  
A I do not know.

Q Did it stay there until the first paratroop was buried?  
A I could not say. The same night I looked for the body of the second paratroop and I could not find it.

Q Did you find it later on?  
A No.

Q Did you see the body of any other paratroop in the yard at the Chateau?  
A No.

Q Did the Germans not try to stop you from seeing the shooting?  
A No.

Q Did the sergeant see you there while these paratroops were being shot?  
A Yes. We were afraid of being shot at, but we wanted to see everything.

Q Why were you at the Chateau at this time?  
A I stayed at the Chateau myself for two days from 6th to 8th June.

Q Why do you think the second paratroop was a Canadian?  
A Because he was tall and well tanned and he could speak French.

Q Did you see if the first paratroop came to the Chateau in an automobile?  
A No, it was the second one.

Q Had the second paratroop been wounded before he was brought to the Chateau?  
A I do not believe so.

Lt. COL. BORSTON: I think you said something about him being brought in an ambulance. Who brought him in the ambulance?  
A Germans.

Q Do you know who the Germans were?  
A No.

Q Did they escort the paratroop from the ambulance to the Chateau?  
A Yes, I saw a captain.

Q What did the captain do?  
A He took the paratroop's revolver away and threw it in a trench close by.

Lt. COL. MACDONALD: Do you understand German?  
A No.

Q Did they question the paratroop in German, French or English, do you know?  
A I could not say.

(The witness withdraws)

EXHIBIT No. 7.

RECORD OF THE EVIDENCE

of

Mme. MARIE VOLOSZIN

Mme. M. Voloszin is called and,  
having been duly sworn, is examined as follows:-

LT. COL. BORSTON: What is your name?  
A Marie Voloszin.

Q Are you the cook at the Chateau at Herouville?  
A Yes, and have been for five years.

Q Are you married or single?  
A Married. My husband is a prisoner of war.

Q How old are you?  
A Twenty-four.

Q Were you at the Chateau on the early morning of 6th June?  
A Yes.

Q Will you tell us what occurred on that morning?  
A About 5.30 on the morning of the 6th June, 1944, I came down to  
the kitchen to light the fire and make breakfast for the children.  
A few minutes afterwards two German soldiers went out from the  
Chateau to the main road.

Q Did you see the Germans returning with a prisoner?  
A The two Germans brought an English paratrooper from the road to the  
Chateau. Soon after that they searched him outside the Chateau.  
After searching him, Karl pushed the paratrooper in the back and  
ordered him to walk across the yard to the stable.

Q Had they interrogated the prisoner first?  
A They asked him a few questions.

Q They did that while in front of the Chateau, is that right?  
A Yes.

Q What happened when they took him to the stable?  
A Afterwards I went to the dairy and through the window I could see  
the two Germans and the one paratrooper walking through a lane behind  
the stable. A few minutes after I heard a shot and I saw Karl  
shooting the paratrooper himself.

Q Was the other German with Karl at the time?  
A Yes. The other German, the priest, waited at the front entrance  
to the Chateau.

Q Was there any reason that you could see for the shooting?  
A I do not know.

Q Did you see the prisoner do anything which could have caused Karl  
to shoot him?  
A No.

Q Point out on the photographs the places where you saw the prisoner  
interrogated and where he was taken to be shot.  
A The two Germans questioned the paratrooper opposite the entrance to  
the Chateau there (indicating point "C" on Exhibit "B1"). The  
building on the left of that photograph (Exhibit "B4") is the  
stables, beyond which the prisoner was taken. He was shot there  
(indicating point "B" on Exhibit "B4").

EXHIBIT No. 7.

Lt. COL. MACDONALD: Did you go round to the rear of the Chatcau at any time during that morning?

A Just to the kitchen.

Q Did you see M. Desrues when the paratroop was killed?

A Yes.

Q Where was he?

A There (indicating point "F" on Exhibit "B1").

Q Where was M. Desrues when the first paratroop was killed?

A I did not see M. Desrues near when the first paratroop was shot.

Q Do you think M. Desrues as not there?

A I did not see him, but perhaps M. Leverrier, who lives next door, might have seen him.

Q Who went with Karl and the first paratroop at the time the paratroop was killed?

A Karl alone and the paratroop.

Q Where was the padre during this time?

A He was waiting at the front door of the Chatcau.

Q When the first paratroop was being killed?

A Yes.

COL. TOMLAUGH: Do you know of any other person besides M. Desrues that saw any paratroop killed?

A No, just the two of us were in the yard, Desrues and I.

Q What about M. Leverrier?

A Probably he was in the stable, but I could not see him.

Lt. COL. MACDONALD: Were there any other German soldiers there who saw either of these paratroops being killed?

A There were two other German soldiers in front of the house with the priest at the time of the first shooting.

Q Was it the same two soldiers in each case?

A I do not know.

Q Do you know the names of any of the soldiers who saw the shooting?

A I do not know them by name.

Q What kind of a reputation did Karl have in the village?

A Not too good. He would not talk much. He would not talk to the children at all. He was not friendly like other soldiers were.

Q "He was not too good" - what was the matter with him?

A He was not like a civilised soldier.

COL. TOMLAUGH: Were the German soldiers involved from an Engineering unit billeted in Horouville?

A Karl was occupied in the ammunition service.

(The witness withdraws)

EXHIBIT No. 8.

RECORD OF THE EVIDENCE

of

M. PAUL EUGENE ALEXANDRE LEVERPIER

M. P.E.A. LEVERPIER is called and,  
having been duly sworn, is examined as follows:-

COL. TOMBAUCH: What is your name?  
A Paul Eugene Alexandre Leverrier.

Q How old are you?  
A Eighty-two.

Q Where do you live?  
A Herouvillette.

Q Where were you on 6th June, 1944?  
A I was at the Chateau at Herouvillette.

Q Did you see any Allied soldiers killed on 6th June, 1944?  
A I saw one English soldier killed behind the Chateau.

L T. COL. BORASTON: Was that behind or in the court of the Chateau?  
A Behind the Chateau.

COL. TOMBAUCH: Point out on one of the pictures where you were when  
you saw this English soldier killed.  
A There (indicating point "B" on Exhibit "B4")

Q How far were you from the English soldier when he was shot?  
A One hundred and fifty metres.

Q Did the English soldier have his hands up when he was shot?  
A I cannot say.

Q Did you see him make any attempt to resist the German soldier?  
A No.

Q Was the English soldier a prisoner when he was shot?  
A I do not know.

Q Was the English soldier armed?  
A I did not notice any weapons on him.

Q Did the English soldier make any attempt to get away?  
A No.

Q Was there anyone with you at the time you saw the English soldier  
shot?  
A I was there alone.

Q Who shot the English soldier?  
A A German.

Q Do you know his name?  
A No.

Q Do you know what organisation he belonged to?  
A I do not know.

Q What German unit occupied Herouvillette on 6th June, 1944?

EXHIBIT No. 9.

A No, I did not see anybody killed, but I saw one day two English prisoners escorted by three German soldiers from an S.S. regiment down the road. They were both paratroops. One was tall and one short. That was on Tuesday, 6th June.

Q At what time?

A In the afternoon.

Q Do you know the number of the Pioneer Corps unit to which Karl belonged?

A I do not know the number, but I have the number of their mail box. The Field Post number for the time they were at Herouville was 43893-E.

Q Did Karl belong to this Pioneer unit?

A Yes.

Q Did you know any other Karl who was an N.C.O. located at Herouville?

A I knew one by the name of Karl who was just a soldier. He was not an N.C.O.

Q What is your occupation?

A Prior to 6th June I was working at Renville for a German company and since 6th June I was a waitress at Mme Bello's cafe.

Q How long have you known Karl?

A Since February, 1943, when he first came.

Q How old are you?

A Twenty-two.

(The witness withdraws)

EXHIBIT No. 10.

RECORD OF THE EVIDENCE

of

Mme. DENISE BAUER

Mme. D. BAUER is called and,  
having been duly sworn, is examined as follows:-

LT. COL. BORASTON: Is your name Denise Bauer?

A Yes.

Q Do you live at Herouville?

A It is not my house. It is mother's house. I have lived there since 1940. My husband is a prisoner of war.

Q Did you know a German officer called Capt. Molter?

A Yes, he was in the home of my mother for two years. He came in September or October, 1942. He did not have his office there.

Q Was he still there with you on 6th June, 1944?

A He left on the night of 5th June when the bombing started.

Q Do you know what unit he commanded?

A Pioneer Corps. He was in charge of one company of four sections. One was at Franceville, one at Sallenelles and one at Machieu. He was laying mines.

Q Do you know the number of the company he commanded?

A No.

Q Do you know anything of an order given that no prisoners were to be taken if the English landed?

A Yes. There was an order given by the chief of the Caen district that no prisoners were to be taken on the coast.

Q Do you know whether Capt. Molter repeated the order to his troops?

A I do not know.

COL. TOMBAUGH: Do you know any Allied soldiers that were killed when they were prisoners?

A No.

Q Do you know the names of any of the officers of this German unit besides Capt. Molter?

A Yes, Dürr.

Q Was he a Lieutenant?

A Yes.

Q Do you know the name of any of the German soldiers?

A I do not know the names.

LT. COL. BORASTON: Do you know the name of Capt. Molter's batman?

A Willy Mastrum. He lived at my home three or four months before Capt. Molter came there.

COL. TOMBAUGH: Was he a nice person?

A Oh, yes, very nice.

Q Was there a battle at Herouville on 6th June?

A Yes, I could hear firing.

EXHIBIT No. 11.

Q Do you know the names of any of the other officers or N.C.O.s?  
A No. The one who shot those first British soldiers was Willy.

Q Did you see these soldiers killed?  
A No.

Lt. COL. BURSTON: Have you heard of any other party of five British soldiers being killed in a car?  
A No.

COL. TOMBUGH: Do you know the names of any persons who did see these soldiers killed?  
A M. Morroll, Mme. Potier, M. Cordier, Mlle Madeleine L'Arrie, and Mme. Avette Tricquet.

Q Is there a list of names of German officers at the Mayor's office?  
A No, they would not give the names of the personnel or units.

(The witness withdraws)

RECORD OF THE EVIDENCE

of

M. HENRI JEAN MUSSET

M. H. J. MUSSET is called and,  
having been duly sworn, is examined as follows:-

Lt. Col. BORSTON: What is your name?  
A Henri Jean Musset.

Q What is your occupation?  
A Blacksmith.

Q How old are you?  
A Sixty-seven.

Q Where do you live?  
A Hercuville.

Q How long have you lived there?  
A Forty years.

Q Were you there on 6th June of this year?  
A Yes.

Q Did you see a car driven by British soldiers on that day?  
A Yes.

Q At what time?  
A About 5.30 in the morning of 6th June.

Q Did you see what happened to that car?  
A I heard shots and came out of the house.

Q What did you see?  
A After hearing those shots I looked from the window. I saw German soldiers shooting at English soldiers and finishing them off with their rifle butts.

Q What exactly was the position of affairs at the moment when you looked through the window?  
A The minute I looked out of the window I saw some English soldiers in the car and some lying on the pavement.

Q How many were there?  
A There were five altogether.

Q Were they all dead when you saw them?  
A No, there were two or three lying on the pavement and two in the car. Then the German soldiers ran towards the dead soldiers.

Q What happened to the ones who were still living?  
A Those still living were finished with the rifle butts.

Q In what way?  
A Some of the Germans shot at the bodies and some hit them on the head with rifle butts.

Q Do you know who any of the German soldiers were?  
A I do not know the name of any of these German soldiers, but I presume one by the name of Karl was among them, because he was living in my home.

EXHIBIT No. 13.

Lt. Col. BORASTON: Was there more than one wounded man who was killed after falling from the car ?

A They just fell off wounded and were finished off by the soldier Willy.

Col. TOMBAUGH: Did the British soldiers have weapons ?

A I could not say. They had some pigeons in the car.

Lt. Col. MACDONALD: How many men were killed by the fire ?

A Four were killed by bullets and one finished by rifle butt.

Q Which one was he ?

A He was lying on top of the car.

Q Who killed the man who was lying on top of the car ?

A I could not say but I believe it was Karl.

Q What did he kill him with ?

A A rifle butt and bayonet.

Q Did he use both the rifle butt and bayonet on the man who was wounded in the car ?

A Yes, he used the rifle butt first on the head and then drove his bayonet in the chest.

Q Were the other four all dead ?

A No, they were still living.

Q What were they doing ?

A Two of them were behind the car with their hands up and the other two could not because they were too badly wounded.

Q What were the two doing who were so badly wounded ?

A Just lying on the ground.

Q Were the two who had their hands up standing ?

A No. (Witness demonstrates, kneeling with his hands up).

Q Why were the two men who had their hands up kneeling ?

A Because they were wounded.

Q What did the Germans do to the two who had their hands up ?

A The German soldier by the name of Willy used twelve shots on those four wounded.

Q Was this while these two men had their hands up ?

A Yes.

Q Where was Willy standing when he fired those shots ?

A Willy was standing in the road about ten to fifteen metres away from them.

Q What did he shoot with ?

A A rifle.

Q Was there any other German soldier shooting at the same time that Willy was ?

A Yes.

Q How many ?

A There were some other German soldiers firing at the same time. The captain was shooting in the air with a machine gun.

Q What was he shooting at ?

A There was nothing in the air.

EXHIBIT No.13.

Q Wore the English soldiers shooting back while Willy and the others were shooting at them ?  
A No, they did not fire a shot.

Q What happened after Willy and the others had fired at the English soldiers while they were on the road ?  
A I saw those soldiers lying on the road after the shooting.

Q When did Karl kill the wounded English soldier who was still in the car ?  
A That was the first one.

Q Was there only one soldier who was hit with the butt of a rifle ?  
A Yes.

Q Was there just one who was bayoneted ?  
A Only one.

Q Was that the man who was lying on the car ?  
A Yes.

Q And all the others were shot in the road ?  
A Yes.

Col. TOMEAUGH; Was this a German car they were in or was it an English car ?  
A English.

Q What time in the morning was this ?  
A About six o'clock.

Q Was it daylight ?  
A Yes.

Q Which direction was the car travelling ?  
A In the direction of St. Honorine (indicating on Exhibits "A1" and "A3").

(The witness withdraws)

EXHIBIT No. 15.

RECORD OF FURTHER EVIDENCE

of

M. ALBERT DESRUES, Mme MARIE VOLOSZIN

and

M. PAUL EUGENE ALEXANDRE LEVERRIER

M. ALBERT DESRUES was called on his former oath, and, being asked to conduct the President to the place where the first paratroop whom he saw was when shot, conducted the President to a spot close to position "B" on Exhibit "E4" but slightly further from the spot marked "A" on that Exhibit. Asked to say where he was standing himself at the time, he conducted the President to the door between the kitchen and the dairy, which door is marked "C" on Exhibit "B5". From this spot the scene of the killing, as indicated by the witness, cannot be seen. Witness then explained that he did not actually see the paratroop shot at all, but heard the shot. He said that he and the witness LEVERRIER then walked along the front of the building in which are the kitchen and dairy until he could see the place where the paratroop had been shot and then went up to him. The paratroop was lying on the ground, still holding his steel helmet in his hand. He said the paratroop was shot in the forehead over the right eye, the bullet coming out at the back of the head.

Desrues was then asked to say where the second paratroop whom he saw was shot and to go to the place. Witness took the Court in at the main entrance of the Chateau (marked "A" on Exhibit "B3") and out at the back of the Chateau and indicated a spot seven yards from the Chateau wall and at right angles to the back of the room, the window of which is shown on Exhibit "B3" as "B". The approximate position of this spot is shown by an "X" marked "E" on diagram 1 on the enlargement showing Herouville taken from 1:25000 GSGS4347 Sheet 40/16 NW, being Exhibit "C". Witness was then asked to say where he was standing himself at the time, and took the President to a place seventy-one yards away from the place of the shooting and in a line from the west end of the Chateau, along a garden path through an open doorway in the garden wall, to a point where four garden paths cross. The approximate position of this spot is shown by an "X" marked "F" on the said diagram. Pressed, the witness reiterated that this was the second shooting that he saw and that the time of the shooting was approximately eight o'clock to eight-thirty in the morning. He said that he had not seen the body of this paratroop after the shooting. He had got to this place (marked "F" on the diagram) by going round the west corner of the Chateau and passing through a garden entrance four yards south of the crossing of the garden paths.

Mme. MARIE VOLOSZIN was called on her former oath. The President asked witness where she was standing when she saw the shooting of the first paratroop mentioned in her evidence. She placed herself in the entrance door to the dairy which is marked "B" on Exhibit "B5". She directed one of the party to a spot past the corner of the stables (shown on Exhibit "B4") where she said the paratroop was when she saw him shot. This spot corresponds exactly with the spot marked "B" on Exhibit "B4" and is visible from the dairy door. The distance is approximately seventy yards.

Witness was then asked to say where she was when the second paratroop mentioned by her in her evidence was shot. She took up a position in front of the door between the kitchen door and the dairy door, and said that she was just inside that door looking out from it. This door is shown on Exhibit "B5" and there marked "C". She said that she saw the witness Desrues follow the paratroop towards the place where he was shot, but that Desrues was stopped by the

EXHIBIT No. 15.

Germans and told to stay where he was, namely under the trees on the west side of the Chateau entrance. These trees are shown on Exhibit "B1". She was then asked to walk to the place where the paratroop was shot. She walked to a spot four yards immediately in front and south of the second door in the stables east of the Chateau. This spot is marked "E" on Exhibit "B1". The distance between point "C" and point "E" is approximately sixty-six yards. She stated definitely that this second paratroop did not enter the Chateau building. She said that this paratroop was shot about six o'clock in the morning. When questioned, she added that the first paratroop she had seen was shot soon after day-break, shortly after five o'clock. She did not know where the second paratroop seen by her was buried, but his body was no longer there about an hour after the shooting. She said that the body of the first paratroop she had seen remained where he had been shot for a few days. She said she knew nothing of any other paratroop being shot at the back of the Chateau and in any case did not see it. She said that she left the farm about an hour after the shooting of the second paratroop she had seen, as the neighbourhood was full of Germans and paratroops and she did not think it healthy. She did not want to get her throat cut.

M. PAUL EUGENE ALEXANDRE LEVERRIER was called on his former oath. He agreed that he had accompanied the witness Desrues to see the dead body of a paratroop who had been shot at the spot marked "B" on Exhibit "B4", but said that Desrues did not see the shooting. He said that it was the body of a paratroop whom he had seen shot during the night of the 5th/6th June, by moonlight, and that in the morning at about seven o'clock he had taken Desrues to see the body. Witness then guided the Court past the entrance to the stables (where he halted to say that he had been seeing to the horses) and, going on to the further corner of the building (shown on Exhibit "B4"), said that he was standing at that corner when he saw the paratroop shot. He then walked about twenty-two yards up the cart-track leading from the stables, to the point marked "B" on Exhibit "B4", and said that the paratroop was killed there. The cart-track is shown on Exhibit "C" and is marked "cart track". He stated that this paratroop was approaching the Chateau from the direction of some buildings further south and that at the time that he was shot the paratroop was in front and to the west of a circular building used to exercise horses, referred to in the evidence as the manège. This circular building is shown on said Exhibit "C" and there marked "M". The witness said that this shooting occurred about 2.30 or 3 a.m. When asked to say where the German was who shot the paratroop, he went to a spot at the Chateau entrance to the cart-track about thirteen yards north of the place where he said that the paratroop was shot. (That is to say, ten yards from the corner of the stables where witness stated that he was standing himself). Witness said he saw this body about 7 a.m. The paratroop had been shot through the head. He saw only one body there.

EXHIBIT No. 17.

C O N F I D E N T I A L .

SHAEF Court of Inquiry,  
Headquarters 12 L of C Area,  
B.L.A.

10th September, 1944.

S.C.I.-B-2.

Headquarters,  
21 Army Group (Intelligence),  
B.L.A.

1. For the purpose of an Inquiry now being held by the SHAEF Court of Inquiry into certain incidents which occurred at HEROUVILLETTE, Calvados, France, (about six miles North East of CAEN) on "D" Day, it is desired to obtain evidence of the German unit, believed to be No. 1 Coy, 716 Division Engineering Battalion, occupying Horouvillette on that day, and of the higher German formations under whom that unit was.

2. It is also desired to obtain evidence of the British formations and units engaged at Horouvillette and its immediate neighbourhood on the night of 5th/6th June and throughout the 6th June, 1944, and whether any Canadian units were engaged there. It is believed that no Canadian troops were engaged in this area, but definite confirmation of this is required.

3. Will you please be so good, therefore, as to send to this Court, as soon as can be done, lists (a) of such German formations and units; giving names of Commanders where those are known, and stating the source or sources of the information given; and (b) of such British and Canadian formations and units.

4. Please give, also, the names of any officer or officers who, if called upon to do so, can give evidence before the Court verifying the lists.

*J.H. Boraston, M.A.*  
Lieut-Col. J.H. BORASTON,  
Member,  
for Col. PAUL E. TOMBAUGH,  
President,  
SHAEF Court of Inquiry.

Copy to: SHAEF G - 1.

EXHIBIT No. 18.

CONFIDENTIAL

SHAEF Court of Inquiry,  
Headquarters, 12 L of C Area,  
B.L.A.

10th September, 1944.

S.C.I.-B-3.

The Under Secretary of State for War,  
The War Office (German Prisoners of War),  
L O N D O N, S.W.1.

Reference AG.000, 5-2-AGP dated 20th August, 1944, subject:  
"Appointment of Court of Inquiry".

1. The Court constituted under the authority of the above-mentioned letter is holding an inquiry into an incident which occurred at HEROUVILLETTE, Calvados, France, on "D" Day, 1944.

2. It has been suggested that a German NCO, Sjt. KARL FINGERATH, or FINKEIRATH, understood to have belonged to No. 1 Coy, 716 Dis. Engineer Battalion, who was concerned in the incident, is now a prisoner of war.

3. Will you please say whether this German NCO is in fact a prisoner of war and, if so, where he now is.

4. Will you please say, also, whether any other officers or other ranks of the above-mentioned German unit are now in Allied hands as prisoners, and, if so, where they now are.

11/11/44  
J.H. BORASTON  
Member  
for Col. PAUL E. TOMBAUGH,  
President,  
SHAEF Court of Inquiry.

Copy to: SHAEF G - 1.

EXHIBIT "D".

The following are the names of soldiers buried at the  
New Cemetery in Hervouillette :

1. 14654924 Pte. RUSSON, D.,  
8th Bn The Parachute Regiment.  
Killed 6 June 1944.
2. 14367919 Dvr. COATES,  
RASC.  
Killed 6 June 1944.
3. 3321839 Cpl. BURGESS, E.  
Killed 6 June 1944.
4. 5097971 Coms ISAACS, J.  
8 Bn (M.C.) Par. Regt.  
Killed 6 June 1944.
5. 3656971 Pte. WALTON, S.  
8 Bn, Par. Regt.  
Killed 6 June 1944.
6. 274820 Cpl. LANGDON, R.  
8 Bn. Par. Regt.  
Killed 6 June 1944.
7. 14384224 Pte. MEIKLEJOHN, M.  
8 Bn. Par. Regt.  
Killed 6 June 1944.